IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8101 of 2006

DATED: 16.11.2006

Between:

S.Noorjahan & another petitioner

And

The Regional manager,

APSRTC, Kurnool region, kurnool & ano Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETTIION NO. 8101 OF 2004

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 25.11.2003 rejecting the claim of second petitioner for compassionate appointment on the ground that he does not possess the minimum qualification and advising to opt for additional monetary benefits, in lieu of employment.

The first petitioner is wife and second petitioner is son of deceased employee Mr.Noor Ahmed, who was employed in the respondent corporation as Driver and died during the course of employment on 18.7.2003. Thereafter an application in prescribed proforma was submitted seeking compassionate employment to second petitioner. The second respondent vide impugned letter dated 25.11.2003 rejected the claim of the petitioners for compassionate employment on the ground that the second petitioner did not pass Tenth class and advised the petitioners to opt for

additional monetary benefits, in lieu of employment. Thereafter the first petitioner made another application dated 25.1.2004 seeking employment to second petitioner on compassionate grounds. Since, no action was taken by the respondent on the said representation, the present writ petition is filed.

Learned counsel for petitioner submitted that the second petitioner has passed Tenth class in the year 2004 i.e., within one year from the date of death of the deceased employee and is eligible and entitled to employment under compassionate grounds and sought for interference of this Court.

A counter affidavit was filed on behalf of respondents stating that the second petitioner is not eligible for the post of Conductor under Bread Winner Scheme, as such petitioners were informed to opt for additional monetary benefits in lieu of employment. It is also stated that in terms of circular dated 17.5.2003 applications are being registered for the post of conductors and drivers under Bread Winner scheme.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent Corporation. Learned standing counsel for respondent corporation submitted that the respondent corporation is not making any fresh appointments except the contract appointments.

The counter affidavit filed on behalf of the respondents is silent about the representation filed by the petitioner dated 25.1.2004 and the action, if any taken on the said representation. The petitioners claim that the second petitioner has passed Tenth class within the prescribed period and is entitled to appointment on compassionate grounds and learned counsel for petitioner submitted that the second petitioner is willing to work on contract basis also. Hence, I deem it appropriate to direct the respondents to consider the case of the petitioner for compassionate appointment for the post of conductor or any other suitable post on contract basis and pass appropriate orders expeditiously.

Subject to above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 16-11-2006

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